

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
LEONARD A. MULKEY,)
Defendant.)
No. 09-CR-00372-01-DW

ORDER

Before the Court is Magistrate Judge Sarah W. Hays's Report and Recommendation (Doc. 42), which recommends that the Court enter an order denying Defendant Leonard Mulkey's Motion to Dismiss "as well as [D]efendant's alternative request for the exclusion from evidence of all testimony and exhibits regarding the evidence in this case which has been destroyed." Pursuant to a Court Order, objections to the Report and Recommendation were due on or before 12:00 p.m. on March 12, 2013, and no objections were filed. After reviewing the record, the applicable law and the parties' arguments, it is hereby ORDERED that:

(1) the Court ADOPTS the Magistrate's Report and Recommendation (Doc. 42); and

(2) the Magistrate's Report and Recommendation shall be attached to and made a part of this Order, and

(3) Defendant Mulkey's Motion to Dismiss or to exclude evidence (Doc. 21) is DENIED.

IT IS SO ORDERED.

Date: March 14, 2013

/s/ Dean Whipple
Dean Whipple
United States District Judge